[31st October 1958

THE HON. SRI M. BHAKTAVATSALAM : கனம் சபாநாயகர் அவர்களே, கனம் அங்கத்தினர் திரு. பழனிசாமி அவர்கள் பாங்குகளைப் பற்றிக் குறிப்பிட்டார். இந்த மசோதாவிலே ரிஸர்வ் பாங்கு என்றுதான் குறிப்பிடப்பட்டிருக்கிறது. மற்ற பாங்குகளுக்கு விதிவிலக்கு இல்லை. மற்ற பாங்குகளுக்கு விலக்கு இல்லை என்று கனம் அங்கத்தினருக்குத் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

கனம் அங்கத்தினர் பக்கிரிசாமி பிள்ளை ஒரு பிரச்னையைப்பற்றிக் குறிப்பிட்டார். பின்னால் தொழிலாளர்கள் வேறு புதிய சலுகைகளைப் பெறவேண்டுமென்றால் விடுமுறையைப் பொறுத்த மட்டில் எவ்வளவு தூரம் பாதிக்கும் என்று கேட்டார்கள். குறைந்த பட்சம் இந்த விடுமுறை கூட இல்லாதவர்களுக்கு அளிக்கவேண்டுமென்றுதான் இந்தச் சட்டம் கொண்டுவரப்பட்டிருக்கிறது. குறைந்த பட்சம் இவ்வளவு இருக்கவேண்டுமென்றுதான் இருக்கிறது. இதை வைத்துக்கொண்டு நிலைமையைப் பொருத்து, சாமார்த்தியம் இருந்தால் புதிய சலுகைகளைப் பெற பிரயத்தனம் செய்யலாம். இருந்தாலும் கனம் அங்கத்தினர்கள் இந்த எழு நாட்களாவது கொடுக்கவேண்டுமென்று கொண்டுவரப்பட்டிருக்கும் இந்தச் சட்டத்தைப்பாராட்ட வேண்டும்.

MR. SPEAKER : The question is—

"That the Madras Industrial Establishments (National and Festival Holidays) Bill, 1958 (L.A. Bill No. 19 of 1958) as amended, be passed."

The motion was put and carried and the Bill as amended was passed.

(2) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI), ESTATES LAND (REDUCTION OF RENT) AND ESTATES (SUPPLEMENTARY) (AMENDMENT) BILL, 1958 (L.A. BILL NO. 35 OF 1958).

THE HON. SRI M. A. MANICKAVELU : Sir, I move :

"That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958) be taken into consideration."

The amendments proposed are found necessary as a result of the experience gained in the working of the Estates Abolition Act. Certain consequential amendments to the Madras Estates Land (Reduction of Rent) Act, 1947 and the Madras Estates (Supplementary) Act, 1956, are also proposed to be made. The various clauses of the Bill are explained in detail in the Statement of Objects and Reasons attached to the Bill. I shall now explain briefly the several Clauses of the Bill.

Clause 2.—Clause 2 seeks to amend section 8 (2) of the Abolition Act, so as to transfer the work of the two Estates Abolition Tribunals to the District Courts, with a view to abolish the Tribunals. The District Courts, will however be styled as Tribunals for the purposes of the Act. The clause also seeks to amend section 8 (4) of the Abolition Act, so as to empower the Tribunals with all the powers of Civil Courts. As the present Estates Abolition Tribunals are also performing certain functions under the Rent

Reduction Act and the Estates Supplementary Act, consequential amendments to these Acts are also sought to be made by clauses 13, 14 and 15.

Clause 3.—This clause seeks to amend section 10 (1) of the Abolition Act, so as to restrict to two months the further time which the Settlement Officer may, in his discretion, allow to the landholder of an under-tenure estate to apply to him for a decision as to whether the estate was created before or after the date on which the principal estate was permanently settled. In the case of estates already notified, the further time-limit will be two months from the date of coming into force of the proposed amendment.

Clause 4.—When the provision in clause (*d*) of section 20 (2) was introduced in 1956 the Government had in view the reckless forest leases granted by certain landholders. As however, forest leases can be dealt with under section 19-A, the provision in clause (*d*) of section 20 (2) is not necessary. Clause 4 accordingly provides for the deletion of this clause.

Clauses 5 *&* 6.—These clauses seek to introduce two new sections in the Abolition Act so as to provide that any person who had, immediately before the notified date, any right or interest in any land in an estate as a landholder, shall be deemed to be a landholder of that estate and that the ryotwari assessment imposed on, and the miscellaneous revenue derived from, all lands in the estate in respect of which the landholder is entitled to ryotwari patta under any provision of the Act shall be excluded in determining the basic annual sum. The reasons for the amendment are explained in the Statement of Objects and Reasons.

Clause 7.—At present, the compensation paid under section 5 (1) of the Rent Reduction Act is not being treated as " income from a source in the estate " within the meaning of section 38 (2) of the Abolition Act and is therefore not taken into account in computing the additional compensation payable under the latter section. The High Court has recently held that the compensation paid under section 5 (1) of the Rent Reduction Act should be taken into account in computing the additional compensation payable under section 38 (2) of Abolition Act. The Government also consider that, in fairness to the institutions entitled to tasdic allowance under the section, the allowance should be based on the average net annual income derived from the estate by the institutions during the faslis 1352 to 1356 which were years of normal seasons, and not the fasli years 1357 to 1362 which were years of drought. This clause seeks to amend section 38 (2) for the above purposes.

Clause 8.—This clause seeks to amend section 51 of the Abolition Act, so as to empower the Special Tribunal with all the powers of a civil Court.

[Sri M. A. Manickavelu] [31st October 1958

Clause 9.—Section 55 of the Abolition Act relates to the collection of the arrears of rent due to the landholder and section 56 was clearly intended to deal only with disputes relating to such arrears of rent. One of the Estates Abolition Tribunals has however taken the view that section 11 is not self contained in regard to grant of ryotwari pattas in respect of ryoti lands and that, if there is a dispute as to who among two or more claimants is entitled to ryotwari patta for a particular ryoti land, the Assistant Settlement Officer should deal with the case under section 56 (1) (*c*) and that against the order of the Assistant Settlement Officer there is an appeal to the Tribunal. Section 11 was intended to be a self-contained provision in regard to grant of ryotwari pattas in respect of ryoti lands in the occupation of ryots and the Tribunal's view does not give effect to the real intention behind the Act and implies that there is some overlapping between sections 11 and 56. Orders passed by the Tribunal in pursuance of its view has led to unnecessary litigation under section 56 and consequential delays. Experience has also shown that there are no disputes relating to arrears of rent for settlement under section 56. Hence this clause seeks to delete section 56. Pending proceedings under this section will abate on the date of commencement of the proposed amendment. Parties aggrieved by orders passed by the Assistant Settlement Officer under section 11 can move the higher authorities, viz., Settlement Officer, Director of Settlements and Board of Revenue, in revision.

Clauses 10 & 12.—Clause 10 seeks to introduce a new section in the Abolition Act embodying the general provision that, in computing the period of limitation for filing an appeal or revision under the Act, the time taken for communicating the copy of the order or proceeding against which the appeal or revision is filed and the time taken for the grant of certified copies of the order or proceeding should be excluded. Clause 12 makes consequential amendments to section 67 (2) (*e*) of the Abolition Act.

Clause 11.—This clause seeks to make certain verbal amendments to section 64 B.

Clause 16.—This clause seeks to make certain provisions consequent on the introduction of new section 64-BB in, and the amendment to, section 38 (2) of the Abolition Act.

It will thus be seen that all the amendments are necessary for the proper and effective administration of the Estates Abolition Act and the two connected Acts and I commend the motion for the acceptance of the House.

MR. SPEAKER : Motion moved—

"That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), be taken into consideration".

31st October 1958]

* SRI R. SRINIVASA IYER: Sir, the amendments that are now proposed are long overdue. In fact, the Andhra State has already amended the Estates Abolition Act of 1948 by substituting a one-man tribunal in the place of the three-man tribunal that is functioning now. The reason for substituting this one-man tribunal has been clearly stated in the Statement of Objects and Reasons. With reference to the establishment of the tribunal under section 8—for appointing District Judges in each area—there is also a proposal that in heavy districts, a separate District Judge will be appointed. While appointing a Judge either under the old Act or under the present Bill, any officer who is a District Judge or who can be appointed as a District Judge or is fit to be appointed as a District Judge, may be appointed and he having the same powers as the tribunal has now, whethear he is a temporary District Judge or a permanent District Judge. Sir, some objections have been voiced forth by the public that this procedure is likely to entail delay in the disbursement of compensation and particularly final compensation. Applications for issue of cheques for compensation are sent by post. Under the rules now existing they can be sent by post to the Tribunal, now working either at Madurai or Vellore. The objection voiced forth by the public is that if cheque applications have to be presented in person or through a lawyer, sometimes for paltry sums—before the District Judge, it will entail expense and delay. I hope that when these Tribunals are constituted for each district by appointing the District Judge of the particular district or a separate District Judge for a heavy district, as the case may be, the same rules for the sending of cheque applications will be continued even after the amendment is brought into force.

Another point about this one-man tribunal is that appeals and applications or petition for revision, can be presented or sent to them by post. Under the Code of Civil Procedure if a District Judge is to be the Tribunal no application can be received by post. I suppose that this difficulty also will be overcome by continuing the present position, by permitting the sending of applications appeals, etc., under the Estate Abolition Act by post. The fear that there will be delay in the disbursement of these compensations is not well founded. There will not be much delay provided the applicant takes proper steps to have his petition made in time and presented in time. Therefore if the present rule is adopted to the applications and orders, there will be no difficulty and the public agitation—some members of the public have also distributed printed notices to all M.L.As. of this Assembly—is not well founded.

Sir, I would point out that the present Act has almost worked itself out. Advance compensation has been disbursed almost and very few applications remain; and when final compensation is either calculated or deposited, the final compensation will not be

[Sri R. Srinivasa Iyer] [31st October 1958

very much in addition to the additional compensation and perhaps some people who have already received additional compensation may have to refund it. Therefore, when these additional District Judges are appointed I would pleade as a matter of economy, that they need not be wholetime Tribunals in respect of this Act alone; they may also be invested with other powers to relieve the congestion in Civil and Sessions work in that particular district.

Sir, with reference to the new clause 64-BB, I am glad that the Government are bringing forward the very same amendment which I had suggested. A number of appeals have been dismissed for not fault of the appellants though under, the rules the concerned sections of the Limitation Act the time limit for appeals or applications presented after the time limit has been extended. Section 15 (2) of the Act was amended in 1954. Still many appeals were dismissed. If this aspect had been considered—by excluding the time taken for supplying copies, time taken for sending copies of the orders of the Assistant Settlement Officer by registered post acknowledgement due as is required by rule 5 of the rules framed under the Act, and the time occupied for the applications to be made—this would not have happened.

I am glad that the Government have also brought forward clause 16 under which any appeal or appplication for revision which has been disposed of before the date of the commencement of section 10 of this Act could be re-opened and disposed of on application by the aggrieved person.

With reference to clause 15 which limits the jurisdiction of the Tribunal, I wish to make a submission. Now, compensation is deposited by the Director of Settlements. It is published in the Gazette. This publication is taken to be sufficient notice to the landlord or landholder. They have prescribed three months for the purpose of drawing this paltry amount of compensation. Really, it is only a paltry sum that is sought to be paid to the landholders as compensation. If they did not apply within these three months, the money goes back to the Government and it is lost to them. Here also, the Tribunal is given very limited powers to extend the time. I respectfully submit that in all such cases, where notice is not given to the landholders, not even by the village officers, it is not proper to deprive them of the compensation amount merely because they did not apply within the time prescribed. After all, it is a paltry sum that is paid to the landholders in respect of the compulsory acquisition of their rights to property. It is something like giving one thing by one hand and taking it away by another. This position should change and the relevant clauses need early amendment. It is only because of a recent amendment of a particular section with reference to the payment of compensation, this difficulty has cropped up. Many applications have been disposed of and Writ Petitions had to be filled with reference to the payment of money into Court, which

is due to a particular party by the Government. We have got rules and provisions governing the deposit of money in a Civil Court. For example, if till three years after the deposit of a particular sum, the party who was entitled to that sum did not come forward to draw that sum from the Court, it will lapse and go back to the Government. There is also the alternative for getting the money back even after it had been lapsed to Government. The party concerned will have to apply for the same and the matter will go to the Accountant-General who will make necessary budgetary provision in the next year's budget and the money will thus be paid to the party concerned after the observance of various formalities. In such cases of deposits under the Limitation Act the time allowed is 30 years, I think. I request the Government not to deprive the landholders of compensation who failed to apply for drawing it in due time as fixed under the Act. I know that this matter does not come within the purview of this Bill. I am mentioning this in this connection because of the presence of the Director of Settlements and other Officials of the Revenue Department and also the Minister for Revenue. I want them to appreciate this difficulty experienced by the landholders and try to remove it. I appeal to the Government to make due provision at least in the rules by their rule-making powers for paying to the landholders the deposits of compensation amounts. Let them at least provide this for interim payments every year as a sort of solatium in respect of the rights of the landholders which have been taken away by the Government. Let them not deny these amounts to the landholders merely for the reason that they have not applied for the same in time. This compensation is payable to them under the Constitution and under the Act. That cannot be legally denied to them by amending certain sections of the Act. Merely because they do not apply for the same within the prescribed time, it cannot be totally denied to them.

With reference to the application for ryotwari pattas, there is a difficuulty. Action is sought to be taken under the rule-making powers. I do not proceed to argue whether they are *intra vires* or *ultra vires*. No application for a ryotwari patta can be made after the Final Settlement Enquiry is over. This enquiry goes on for several months. Even during the enquiry, if an application is made, there is difficulty in getting the patta. There are also cases in which *bona fide* persons who are legally entitled to the ryotwari patta have not been given the same merely because they have not applied for it in time. These are all very hard cases. Now, we have had the experience of working this Act for about 10 years. We have been bringing forward amendments for giving effect to the provisions of this Act and for achieving the purposes for which this Act was enacted. The rights conferred on the landholders under the Act are sought to be taken away under rules framed under the very Act.

[Sri R. Srinivasa Iyer] [31st October 1958

Sir, the procedure prescribed in clauses 5 and 6 is not very clear. The language used in these clauses is not clear. Here is a case in which a ryot purchased the landholder's rights in a village. The Tribunal considered that he was only a ryot under section 6-A of the Estates Land Act as he had only purchased the rights of a landholder and he was not a landholder entitled to compensation. The matter was taken in appeal to the High Court. The High Court said that though he was a ryot under section 6-A of the Estates Land Act, and he does not lose the character of a ryot on purchasing the right of the landholder yet his rights as a landholder are also available to him and that he is entitled to a share in the compensation. The compensation is worked out only on the basis of the land revenue payment on ryoti lands in the estates. Thus, he continues to be a ryot though he is declared to be a landholder on purchasing the rights of the landholder and he is entitled to ryotwari patta under section 11. He is entitled to ryotwari patta under section 11 only and not under section 15. This must be clearly understood. He has no doubt a right and share in the compensation according to the High Court's ruling. Clauses 5 and 8 deal with zamindari and inam estates respectively. The language used in these clauses is rather dubious. What I wish to point out is this. The ryot, though he is strictly not a landholder under section 15 of the Act, he will be entitled to ryotwari patta. I think when final compensation is paid, this factor will be taken into consideration. The position will have to be made clear. In clause 6 (2), it is stated—"The ryotwari assessments imposed on, and the miscellaneous revenues derived from all lands in an inam estate in respect of which, the landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum." There are cases in which the landholder holds the melwaram right only and also cases in which he holds both melwaram and kudiwaram rights. If the calculation has got to be made according to this sub-clause, the language is not clear. Let there not be any complication in regard to this matter. I have not moved any amendment because only after a very careful study of the provisions, I was able to notice these points which I have just now placed before the House. I request that the language used here may be made clear or at any rate the Government may so frame the rules as to make the position clear so that nobody may be at a serious disadvantage. I do not want that this Bill should get delayed. It is enough if they clarified the position in the rules. It should be made clear that the person who is declared to be landholder under clauses 5 and 6 will only be governed by section 11 and not by section 15.

12-30 p.m. The other point that I wish to urge is with reference to religious endowments. Religious endowments have lost most of their income. I know that temples which had six or seven villages

31st October 1958] [Sri R. Srinivasa Iyer]

have been forced to cut down the number of 'kalams' in which puja or worship was performed. There is one big temple in Memisal which had six villages and which has no paddy now for 'Neivediyam' from those villages. The amendment proposed to section 38 of the Abolition Act by clause 7 provides for the rent lost by temples under the Rent Reduction and Abolition Acts being taken into consideration and the Tasdik allowance enhanced. This is a necessary provision.

About section 56, it has given room for lot of litigation. I am glad that the Government have realised this and come forward now to remove this enigmatic section. Several judges have given out different judgments. Even recently, in the High Court, two judges have differed on the point whether a Civil Court has jurisdiction to consider whether a person is entitled to ryoti land and a ryotwari patta or not. Now that the Government have come forward to remove this section 56, though late it is, many of the writ petitions which are now pending before the High Court contending that the Civil Court has juirsdiction in such cases may go.

Then I come to the rule-making power under section 67 (2) (*e*). What is sought to be removed now is the power to extend the provisions of the Indian Limitation Act, 1908. Why should it be taken away? It may be there but the Government need not exercise it. Once it is taken away from the Act, later on they will find it difficult to extend its provisions in the absence of a clear provision in the Act. Any way, that is for the Government to consider. In the matter of drawing of money by persons who are entitled to compensation, the Government can exercise this power in individual cases or in a number of cases. Therefore, the Government may be pleased not to enforce the provisions of clause 12. Thank you.

* **Sri A. R. MARIMUTHU :** கனம் உதவி சபாநாயகர் அவர்களே, இன்றைய தினம் கொண்டுவரப்பட்டிருக்கும் இந்த மசோதாவைப்பற்றி ஒன்றும் குறிப்பாக ஆட்சேபிப்பதற்கு இல்லை. அத்தகைய விஷயங்கள் எதுவும் கிடையாது. 1948-ம் ஆண்டிலே நிறைவேற்றப்பட்ட இந்தச் சட்டத்திற்கு 10 ஆண்டுகள் கழித்து இப்பொழுது திருத்தம் கொண்டுவரவேண்டிய நிலைமை ஏற்பட்டிருக்கிறது என்பதை நான் வருத்தத்தோடு தெரிவித்துக்கொள்கிறேன். இந்தத் திருத்தங்கள் சம்பந்தப்பட்டவரையிலும், இவை இல்லாததன் காரணமாக 10 ஆண்டு காலமாக அநேக சங்கடங்கள் இருந்துகொண்டுதான் இருந்தன. அதாவது இதில் இருக்கக்கூடிய ஷரத்துக்கள் 5, 6-லே கொடுக்கப்பட்டிருக்கிற திருத்தம் இருக்கிறதே—அது இல்லாத காரணத்தால்தான் பல தகராறுகள் ஏற்பட்டன. குடிக்காணி நிலம் வைத்திருந்தவர்கள் மேல் வாரத்தை வாங்க அவர்களுக்கு காம்பன்சேஷன் உண்டா ? இல்லையா ? என்பது பெரிய விவகாரமாக, நீண்ட காலமாக ட்ரிப்யூனல் முன்னால் நடந்துகொண்டு வந்தது. காலத்தோடு இந்தத் திருத்தம் கொண்டு வரப்பட்டிருந்தால் ஜமீன் இனும் பகுதியில் இருந்த கிராமத்து மக்களுக்கு உண்டான பல பெரிய சங்கடங்கள் தவிர்க்கப்பட்டிருக்கும். பெரிய

செலவுகள் எல்லாம் தவிர்க்கப்பட்டிருக்கும். இன்றைக்காவது திருத்தம் கொண்டுவரவேண்டியதின் அவசியத்தை உணர்ந்து சர்க்கார் இந்த மசோதாவைக் கொண்டுவந்திருப்பதற்கு நான் சந்தோஷப்படுகிறேன்.

இந்த மசோதா வந்தாலும்கூட இன்னும் சில சிக்கல்கள் இருக்கின்றன என்பதில் சந்தேகமில்லை. ரயத்வாரி நிலங்களாகப் பட்டா செய்கிறபோது சில நிலங்களை ப்ரைவேட் நிலங்கள் என்று வைத்திருக்கிறார்கள். ஜமீன் இனாம்தாரர்கள் சில நிலங்களின் குடிவார பாத்யதையையும் விற்றிருக்கிறார்கள். அதைப்பற்றிய விவரம் ஒன்றும் தெரிவிக்கப்படவில்லை. இது சம்பந்தமாகச் சில சிக்கல்கள் எழலாம் என்று நினைக்கிறேன். குடிகாணி பாத்யதையை வாங்கியவர்கள் இப்போது என்ன செய்வார்கள் ? அவர்களுக்கு நஷ்ட ஈடு கொடுக்கப்படுமா என்பது தெளிவுபடுத்த வேண்டும். எனக்கு முன்பு பேசிய அங்கத்தினர் சீனுவாசய்யர் அவர்களும் குறிப்பிட்டார்கள். காம்பென்சேஷன் வாங்குவதில் சிறு சிறு மிராசுதார்கள் இருக்கிறார்கள். அவர்களுக்கு எப்போது நஷ்டஈட்டுத் தொகை கொடுக்கப்படும் என்பதே தெரியாமல் இருக்கிறது. குறிப்பாக அவர்கள் ஊருக்கு காம்பென்சேஷன் கொடுப்பதற்குப் பணம் ஒதுக்கப்பட்டிருக்கிறது என்பது தெரியாமல் அவர்கள் இருக்கிறார்கள். ஐந்தாறு ஆண்டுகள் ஆகியும் அவர்களுக்குத் தெரியவில்லை. பின்னால் சென்று கேட்டால் டைம் பார் ஆகிவிட்டது என்று சொல்லிவிட்டார்கள். விதி இப்படி இருந்தாலும் அதைத் திருத்தி அமைக்கவேண்டும். அட்வான்ஸ் காம்பென்சேஷன் வாங்குவதற்குத் டைம் பார் ஆகிவிட்டது என்றால் முழு காம்பென்சேஷன் தொகையே இல்லையென்று சொல்வது அநீதியாகும். பைனல் காம்பென்சேஷன் தொகை கொடுக்கப்படுகிறவரையிலும் எப்போது விண்ணப்பித்துக்கொண்டாலும் முழுத் தொகையையும் கொடுப்பதற்கு வசதி செய்யவேண்டும். அதற்குத் தகுந்தபடி விதிகளைத் திருத்தி அமைக்கவேண்டுமென்று தாழ்மையுடன் கேட்டுக்கொள்கிறேன். இன்னும் ஒரு விஷயம். சாதாரண விவசாயிகள் தங்கள் நிலத்திற்கு ரயத்வாரி மாறும்போது பட்டா கொடுக்கவேண்டுமென்று மனுச் செய்து கொள்ளவேண்டுமென்பதுகூடத் தெரியாமல் இருந்திருக்கிறார்கள். அவர்களுக்குப் பட்டா அதன் காரணமாக வழங்கப்படவில்லை. அதையும் கனம் அமைச்சர் அவர்களுடைய கவனத்திற்குக் கொண்டு வருகிறேன். பெரிய மிராசுதார்களைப்பற்றிக் கவலையில்லை. சிறிய சிறிய விவசாயிகளுக்குத் தொந்தரவு உண்டாகாத வண்ணம் அவற்றுக்கு எல்லாம் பட்டா வழங்க ஏற்பாடு செய்ய வேண்டும். இப்படி இந்த மசோதா கொண்டுவரப்பட்டாலும்கூட இன்னும் நிவர்த்திக்கப்படவேண்டிய பல சிக்கல்களிலும் கவனம் செலுத்தி அரசாங்கத்தார் அவற்றை நல்லமுறையில் தீர்த்து வைக்கவேண்டும் என்பதாகக் கேட்டுக்கொண்டு என் உரையை முடித்துக்கொள்கிறேன்.

* SRI V. K. RAMASWAMY MUDALIYAR : Mr. Speaker, Sir, the Madras Estates (Abolition and Conversation into Ryotwari) Act was passed some time in 1958 and we have had seven or eight amendments since then and perhaps this is the ninth amendment that we are having. I do not know how many more amendments we will still have because we have been experiencing all these years many difficulties with regard to the practical working of this Act. With regard to the abolition of the three Judges Tribunal, I have my own misgivings as to whether it will work satisfactorily. Though I may say that there will be no need for three judges, still I honestly feel that there should be at least one District Judge who should be entrusted with this particular kind of work. The present fear is that the District Judges

who will be entrusted with this work may not be finding adequate time to dispose of these cases and to issue a number of cheques and also to look into so many other things cropping up. After all we are having only two Tribunals, Sir. My submission is that we can have two or three separate District Judges to go into this whole question, to dispose of the cases temporarily and to work specially for implementing this Act. Even now when the three Judges are sitting, we have been experiencing lots of difficulties. There has been so much of delay in the disposal of many cases, just as my hon. friend, Sri R. Srinivasa Iyer pointed out, even with regard to the issue of cheques for interim payment, there has been such a lot of delay. So far I think only about 50 per cent of the compensation has been paid to the zamindars and God only knows when the balance of compensation will be paid. Sir, it is now more than ten years since the estates were abolished and the Government, I am afraid, are adopting a go-slow policy either for want of technical personnel or something else, I am not in a position to say. The survey and settlements are not being pushed through as expeditiously as they should. My surmise is that the Government may take another seven or eight years and that most of the people may not live to receive even the compensation, Sir. I would therefore request the Government to employ more officers and push through these settlement operations as expeditiously as possible and settle the claims.

With regard to the interim payment and other things, the Government have been adopting the policy of publishing these things in the District or *Fort St. George Gazette*. The moment the Director of Settlements deposits the amount to the credit of the Tribunal, the Tribunal should not only publish it in the Gazette, but also publish it by tom-tom in villages and also send intimation by registered post to the individuals concerned. I know, Sir, that most of the legislators including myself and most of the public spirited people who may be getting these gazettes may not be having time to go into these things. I doubt very much whether some of these poor zamindars, widows and other people who are in the remote villages will have a chance of going through the gazettes. Therefore, I request that intimation should be sent to the individuals concerned direct. Further, there should be prompt payment with regard to these interim compensations. Once you recognise the claims of a particular zamindar, there should be no delay with regard to the payment of interim payments every year periodically.

My hon. friend, Sri R. Srinivasa Iyer pointed that cheques also should be sent by registered post and if this is not possible it should be made payable at the Taluk Treasury, or at the State Bank of India wherever it has got branches, instead of putting

these people to so much of trouble—they must appear before the Tribunal to put in a petition and tell the Tribunal that they are the claimants. Again when they receive payment, they should take one of their advocates. Many of the poor zamindars cannot afford to engage lawyers. I am sure that the Government will look into this question very seriously and do something.

Again, Sir, I find in my own area, that even though some villages have been taken over, many of the ryots have not been paying their arrears due to the Government, on some frivolous petition. They have not so far, ever since 1948, paid a pie to the Government and there are also many pattadars in that village. Even with regard to payment to zamindars, even when their claims have been settled, interim payment has not been made by the Tribunal on some frivolous petition put in by some one out of personal animosity. That is why I said that once their claims are recognised, they should be paid the compensation due to them and any disputes between the pattadars and the zamindars, should be left to them to be decided in the civil courts.

12.40 p.m. With regard to section 64-BB, I am glad that my hon. friend, Sri Srinivasa Iyer's views have been accepted and that there will be quick method in disposing of these cases. With regard to section 38—payment of tasdik allowance to religious, educational and charitable institutions—I thank the Hon. Minister for having introduced this amendment, because I know that there are many temples which have been depending on their income from their lands, and where poojas are not performed regularly. They do not have the money to purchase the light and the oil. This is a very sorry state of affairs and I am glad that the Government have now amended this section. I really thank the Hon. Minister for having come forward to amend section 38, giving it retrospective effect.

I have nothing to say with regard to other sections. I am sure that there will be speedy disposal of these cases and that the Hon. Minister may come forward and say that after the abolition of the Tribunals in Andhra, it is working very satisfactorily there and that it is bound to work satisfactorily here also. I hope the Government will come forward to appoint additional Judges in districts which are considered heavy districts. I do not want to dilate more on this Bill but hope that there will be quick disposal of these cases. This is all my submission, Sir.

* THE HON. SRI M. A. MANICKAVELU : Sir, this is an Act in which we come across difficulties when the various provisions are being implemented. It has been already said that a number of amending Bills have been brought and I am not sure whether this will be the last Bill. But as we are working, fresh difficulties

may arise and as and when they are brought to notice, they are overcome by amending the appropriate sections in the Act. The major change that is now proposed is making the district courts to do the work which the Tribunals are at present doing. We have got two Tribunals and the work of the State is divided between these two Tribunals. One is functioning at Vellore and the other at Madurai. Each Tribunal has got 5 or 6 districts under their jurisdiction. It means that they have to tour in all the districts within their jurisdiction. It may happen that an applicant from Tanjore may have to go to Vellore. Now, when we are empowering every District Court to do the work of the Tribunal, the work in that particular area will be minimised and the parties concerned can go to District Courts located in their respective districts. That will be an advantage. By experience, we found that when three persons were associated with the Tribunal, it was only the Presiding Officer who had a dominating voice. No doubt, we had the Revenue Divisional Officer. But we found from the judgments of the High Court that the Revenue Divisional Officer who was participating in the deliberations of the Tribunal was not taking active part. Now, when the whole matter is looked into by the District Court, there will be a certain amount of saving of time and work. The only fear expressed is that the District Judge, having other work, may not find the time to do this work also. In cases where his work is heavy and where there is necessity for having another separate Judge, the Government will be prepared to have one. Such cases will arise only in certain districts. Therefore, there need not be unnecessary apprehension that the work will be unduly delayed especially when the Government are prepared to appoint extra Judges wherever there is real necessity for the same.

The other fear expressed was that this change-over from the Tribunal to the District Court may not work properly and it may not yield the results that we expect it to yield. Sir, recently, I had occasion to consult the Andhra Revenue Minister on the working of this pattern. He told me quite categorically that it was working quite satisfactorily and there need not be any misgivings about it. When this changed pattern is working satisfactorily in the neighbouring State, we need not have any misgivings about it and we need not think it will not work properly here. The idea is that a certain time may be exclusively set apart for this work in the District Court so that the work may not be delayed unduly. All possible steps will be taken to see that there is no delay in that respect.

Sir, hon. Member Sri Srinivasa Iyer referred to the practice of sending cheques by post by the Tribunal and said that under the change-over pattern, it may not be possible and the parties

will have to take payment from the court directly or through their advocates. We are considering why the same procedure cannot be followed under the proposed pattern also. I think it will be possible to continue the old procedure of sending cheques by post. So, also, with regard to applications . . .

SRI R. SRINIVASA IYER : Sir, I did not say that cheques were sent by the Tribunal by post. The cheques were handed over to the parties or their representatives. I was only saying that applications were sent by post, and they were returned by post. I never said that cheques were sent by post. Because, I know that was not the procedure followed. So, let not the Hon. Minister be under a mistaken impression.

THE HON. SRI M. A. MANICKAVELU : Whatever it is, the procedure that was being followed in the past by the Tribunal could be followed under the new system also.

Now, I come to the other change. It was asked whether, when a ryotwari pattadar gets the rights of a landholder, he gets the benefit of double compensation, that is, the compensation due to the ryotwari pattadar and also the one due to the landholder. When a man becomes a landholder, only the compensation due to the landholder will be given and any claim by him as a ryotwari pattadar will not be taken into account. That is the change which we have made in one of the clauses.

As regards pushing through the Survey and Settlement Operations, I may tell the hon. Leader of the Opposition that we have ordered more parties to go into these things. The strength of the Survey parties is being increased and the whole matter is being pushed through and we too want that the operations should be completed as early as possible. It was also mentioned that these operations will take a number of years. I think that it will not take so many years. In the course of three or four years, the whole thing will be settled. That is what we are contemplating.

Now, the deposit of the amount of compensation is being published in the Gazette. It was said that the parties concerned would not have the means or occasion to find out the information from the Gazette and so it should be given publicity through 'Tom-Tom'. Sir, a person who is interested in getting the compensation and one who is following things so closely, will naturally take all possible steps and efforts to find out when the amount will be deposited and apply for the same. After all, the Gazette is divided into so many parts and each man looks only into that part in which he is interested. It is not as if everyone is looking and has to look into the whole Gazette for getting the information that he wants. In certain matters in which some people are interested and which they are following very closely,

they used to come and tell me when exactly the file relating to those matters will come to me. So, people who are interested in these matters will not find any difficulty in getting the information from the Gazette.

SRI V. K. RAMASWAMY MUDALIYAR: May I know whether the Hon. Minister is regularly going through the Gazette?

THE HON. SRI M. A. MANICKAVELU: Of course, he is looking into all matters in which he is interested and matters which he considers necessary to look into. He is not going through the whole bulky volume that is published. I only wish to point out that those who are interested in getting the compensation will naturally look into the Gazette to get the required information. They can very easily find out and they will also be anxious to know when the compensation will be deposited and when it will be paid. However, I take this opportunity to say that I shall see what could be done to minimise the difficulties of this nature so that the ordinary illiterate people may have better facilities in the matter of knowing details about the deposit of compensation.

I have already expressed my view about kudivaram and melwaram rights being enjoyed by the same person. When the kudivaram right is taken away in such cases, the compensation to that extent will not be given.

As regards the other broad questions that were raised, I had better reserve my remarks till we take up the clauses. I think, when we take up the clauses I can meet the controversies raised rather than making a rambling reply at this stage.

DEPUTY SPEAKER: The question is:

"That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958) be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 4 were put and carried.

Clause 5.

THE HON. SRI M. A. MANICKAVELU: Sir, I move— 12-50 p.m.

"In sub-section (2) of the proposed new section 30-A *for* the words 'the landholder', *substitute* the words 'any landholder'."

*SRI R. SRINIVASA IYER: Sir, in this matter, what I said was possibly not clear. Perhaps I did not make myself clear. Here is a case in which a ryot acquires the right of the landholder.

Under section 6-A of the Estates Land Act, he continues to be a ryot. He is not a landholder. But when the High Court held that such a person had also an interest in the 'melvaram' right and was entitled to a share of the compensation fixed under the Act, to that extent he was a landholder. With reference to compensation payable for the estates taken over, under the section dealing with the basic annual sum for the purpose of calculating the compensation amount, only the ryotwari assessment on the land, in respect of which the landholder is not entitled to ryotwari patta, is taken into account. Here is a case in which he will be entitled to ryotwari patta, not as a landholder, but under section 11, as a 'kudikkanidar', i.e., as a ryot only. Only for purposes of compensation, he is held a landholder by the High Court. If only the Government peruse the judgment of the High Court fully, they will find his right is different from the right he has purchased from the landholder. By this amendment, what you do is, he is made a landholder. The same argument will apply to inams as well as to zamins because clause 5 deals with zamindaris and clause 6 deals with inams. Under section 11 of the Abolition Act, he will be entitled to ryotwari patta because under section 6-A of the Estate Lands Act, he continues as a ryot. If you introduce this clause in the form in which it is now or in the form it will take after being amended in the way sugested by the Govtrnment, I desire to point out that you will be taking away the right given to him by the High Court. He is a poor ryot. He was not entitled to get 'melvaram' from any other person. Under the Estates Land Act, he is not a landholder. You are making him a landholder because the High Court has held he has a right in the estate. The result of the application of the new section 30-A (1) and (2) will be, he will be entitled to ryotwari patta under section 11 but you will exclude the ryoti land in the matter of calculating the basic annual sum. Therefore, you will deny him the compensation. I respectfully submit, this is unjust. I do not mean to say that the Government are doing it wantonly. They make their intention clear whether this land has got to be taken into account in calculating the compensation. I was not clear in my expression perhaps. All that I say is, please do not exclude the land for which he is having a ryotwari patta under section 11. The provision in the new section 35-A (2), viz., 'the ryotwari assessments imposed on, and the miscellaneous revenue derived from, all lands in a zamindari estate in respect of which, the landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act' should not be there. 'Under section 15 of the Act' may be there.

THE HON. SRI M. A. MANICKAVELU : Sir, as regards the High Court judgment referred to, I understand that the High Court itself is reviewing it because the Government side was not heard. So, we do not know what the ultimate decision of the

High Court will be. But what I wish to state is this. When a ryotwari pattadar acquires the 'melvaram' right, the idea is, because he is also a ryotwari pattadar, he should not claim compensation in respect of the revenue or the income derived as pattadar. That is the idea with which this amendment has been brought forward. He cannot have both things together because he gets a chance of acquiring the 'melvaram' right. So, in the matter of calculating the compensation, because he has already been a ryotwari pattadar, the revenue therefrom should not be taken into account. That is all what I understand. But if any further scrutiny is necessary, it can be done after the final verdict of the High Court is known.

The amendment was put and carried.

Clause 5, as amended was put and carried.

1 p.m.

Clause 6.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"In sub-section (2) of the proposed new section 35-A, *for* the words 'the landholder', *substitute* the words 'any landholder'."

The amendment was put and carried.

Clause 6, as amended, was put and carried.

Clauses 7 to 16 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Estates (Abolition and Conversion into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958), as amended, be passed."

In this connection I want to tell that even very efficient and able lawyers find it difficult to understand and interpret the provisions of the Bill. It is extremely difficult to straightaway say how this amendment and other provisions will act or react. As I have already stated, this will not be the final amendment. As and when we implement the various provisions fresh difficulties may arise. Therefore in the light of experience when fresh difficulties are brought to notice, I shall certainly try to remove them.

* SRI R. SRINIVASA IYER : Sir, the Hon. Minister stated about the question of payment of compensation and interim payment and about the publication in the gazette. Sir, section 42 (1) of the Act says :

"Every person claiming the compensation so deposited or any portion thereof, including the principal or any other landholder, members of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or

otherwise, and creditors, whether their debts are secured or not, shall apply to the Tribunal within six months from the date on which the amount was so deposited or within such further time as the Tribunal may, in his discretion, allow."

This was the original section. It was amended as follows :

" Provided that after the commencement of the Madras Estates (Abolition and Conversion into Ryotwari) (Amendment) Act, 1956, the further time aforesaid which the Tribunal may allow, shall not exceed six months."

That is the difficulty. Final compensation alone will be governed by section 42. Section 54-A deals with advance payments. In sub-section (4) of that section, it is specified as—

" The Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amount deposited in pursuance of this section among the principal landholder and the other persons referred to in section 42, as far as possible in accordance with the value of their respective interests and the provisions of sections 42 to 46 (both inclusive), 48, 49, 51, 52 and 53 shall apply *mutatis mutandis* in respect of the amount so deposited "

Sir, this relates to advance compensation. There is already section 50 which relates to interim payment. What I plead for is that even this advance payment is brought within section 42. The words ' mutatis mutandis ' may not mean ' absolutely ' but only ' in so far as it is applicable '. It is only an advance compensation calculated on a rough and ready basis. It is not final. As my hon. Friend Sri Marimuthu has put it, if advance compensation is deposited, it means only part and not final. What I plead is that some clarification may be made about this in the rules under section 54-A.

* SRI V. K. RAMASWAMY MUDALIYAR : Sir, this Bill is now to be passed. Inasmuch as the Government have not acceded to the suggestion to appoint separate single-man Tribunals, at least I would request the Hon. Minister to issue definite instructions to the District Courts to see that they allot two or three days every month for the disposal of these cases, whatever be the nature of other work, except of course with regard to Sessions cases. These tribunals should attach top priority to these cases.

THE HON. SRI M. A. MANICKAVELU : Sir, I may tell that steps will be taken to see how best the work of these newly appointed Tribunals is done with speed; and we will see whether certain days could be allotted for the disposal of the cases and in what manner they should be disposed of.

With regard to what Sri Srinivasa Iyer said regarding payment of compensation, we shall try to see that no hardship is felt.

31st October 1958]

DEPUTY SPEAKER : The question is—

" That the Madras Estates (Abolition and Conversition into Ryotwari), Estates Land (Reduction of Rent) and Estates (Supplementary) (Amendment) Bill, 1958 (L.A. Bill No. 35 of 1958) as amended be passed."

The motion was put and carried and the Bill as amended was passed.

DEPUTY SPEAKER : The House will now adjourn and meet again at 9 a.m. to-morrow.

The House then adjourned.

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

A. STATUTORY RULES, ORDERS AND NOTIFICATIONS.

147. *Notification issued with G.O. Ms. No.* 3425, *Revenue, dated* 13*th September* 1958, *authorising Assistant Commercial Tax Officers to exercise the powers of an Assessing Authority in the case of dealers whose net turnover does not exceed Rs.* 20,000 and *Deputy Commercial Tax Officers in the case of dealers whose net turnover exceeds Rs.* 20,000, *etc.* [Laid on the table of the House under section 19 (6) of the Madras General Sales Tax Act, 1939 (Madras Act X of 1939).]